

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA-AMERICAN WATER COMPANY, INC.)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:12-cv-1493-TWP-DML
)	
TOWN OF MOORESVILLE, et al.,)	
)	
Defendants.)	

PLAINTIFF’S MOTION TO REMAND TO INDIANA STATE COURT

Plaintiff Indiana-American Water Company, Inc. (“Indiana-American”) respectfully requests that the Court remand this matter to the Indiana state court from which the Defendants removed this matter. In their motion for judgment on the pleadings, the Defendants claim that federal jurisdiction over Indiana-American’s due process claim is barred by *Williamson County Regional Planning Comm’n v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985). The Court should therefore remand that claim back to Indiana state court. In addition, the Court should abstain from hearing this matter under the *Burford* abstention doctrine because the two federal issues raised in the complaint (the due process claim and a Fourth Amendment violation) are bound up with numerous important issues of Indiana state law. The Court should also relinquish supplemental jurisdiction over Indiana-American’s state law claims to the extent it abstains from hearing its federal law theories. These issues are addressed in Indiana-American’s brief in support, which is filed herewith and incorporated as if fully stated herein.

WHEREFORE, because the Defendants contend the matter is not ripe for adjudication by the federal courts and that the issues should be addressed by state procedures, Indiana-American respectfully requests that the Court remand the matter back to state court.

Respectfully submitted,

s/Mark J. Crandley

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CERTIFICATE OF SERVICE

The undersigned hereby certifies on the 3rd day of January, 2012, a true and complete copy of the foregoing was filed electronically with the Court's ECF system. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

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*s/Mark J. Crandley*_____